



# **MINUTES**

**Ordinary Council meeting  
Tuesday, 7 February 2023**

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**MINUTES OF TAURANGA CITY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE BOP REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE, 1 ELIZABETH  
STREET, TAURANGA  
ON TUESDAY, 7 FEBRUARY 2023 AT 9.30AM**

**PRESENT:** Commission Chair Anne Tolley, Commissioner Shadrach Rolleston,  
Commissioner Stephen Selwood, Commissioner Bill Wasley

**IN ATTENDANCE:** Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer),  
Barbara Dempsey (General Manager: Community Services), Nic Johansson  
(General Manager: Infrastructure), Christine Jones (General Manager:  
Strategy, Growth & Governance), Alastair McNeill (General Manager:  
Corporate Services), Sarah Omundsen (General Manager: Regulatory and  
Compliance), Gareth Wallis (General Manager: City Development &  
Partnerships), Nick Lynch-Watson (Open Space & Community Facilities  
Planner); Ross Hudson (Team Leader: Planning), Emily McLean  
(Programme Lead: City Development), Amanda Davies (Manager:  
Community Amenity Programme Delivery); Jane Barnett (Policy Analyst),  
Nigel McGlone (Manager: Environmental Regulation), Rob Lahey (Principal  
Strategic Advisor); Coral Hair (Manager: Democracy & Governance  
Services), Robyn Garrett (Team Leader: Governance Services), Sarah  
Drummond (Governance Advisor), Anahera Dinsdale (Governance Advisor),  
Janie Storey (Governance Advisor)

## **1 OPENING KARAKIA**

Commissioner Shad Rolleston opened the meeting with a karakia.

## **2 APOLOGIES**

Nil

## **3 PUBLIC FORUM**

Nil

## **4 ACCEPTANCE OF LATE ITEMS**

Nil

## **5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

## **6 CHANGE TO THE ORDER OF BUSINESS**

Nil

## 7 CONFIRMATION OF MINUTES

### 7.1 Minutes of the Council meeting held on 12 December 2022

#### RESOLUTION CO1/23/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 12 December 2022 be confirmed as a true and correct record.

**CARRIED**

## 8 DECLARATION OF CONFLICTS OF INTEREST

Nil

## 9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

## 10 RECOMMENDATIONS FROM OTHER COMMITTEES

### 10.1 Recommendation from other Committee - Strategy, Finance and Risk Committee – 5 December 2022

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance

#### RESOLUTION CO1/23/2

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report Recommendation from other Committee - Strategy, Finance and Risk Committee - 5 December 2022.
- (b) Amends the Strategy Finance and Risk Committee Terms of Reference (B2 Risk Management) to reflect the decisions made in the revised Risk Management Policy and remove '*Framework and Strategy*' so they read '*Review, approve and monitor the implementation of the Risk Management Policy, including the Corporate Risk Register*' with immediate effect.

**CARRIED**

## 11 BUSINESS

### 11.1 Proposed Dual Naming for Rotary Park and Ila Park

**Staff** Barbara Dempsey, General Manager: Community Services  
Nick Lynch-Watson, Open Space & Community Facilities Planner  
Ross Hudson, Team Leader: Planning  
Emily McLean, Programme Lead: City Development

**External** Tane Bennett - Principal Maungatapu School  
Kaida Miharo - Senior student  
Frankie Te Kani - Senior student  
Marlo Ririnui - Senior student  
Irene Walker - Teacher

### Key points

- The students thanked the Council for the opportunity to speak to the name change and noted that Rotary Park was special to the school. Rotary Park was the local name, but to iwi it was known as Ōpūpū as there was an abundance of pūpū - periwinkle shells at Rotary Park and mud snails in the estuary.
- A relative of one of the students, Marama Rewiti Martin, was involved in opening of Rotary Park and was depicted in a black and white photo at the time.
- The kura and students used the park as a place of studying and learning and presented a journal to the meeting which showed the kura's involvement in the area. Students had designed the mural depicting a sea whale and different sea creatures. It was an area where warriors and their tupuna would go to battle and rest up afterwards.
- The group requested that the park be known as Ōpūpū so that everyone could understand the cultural significance and history of the site.
- The students started their request in 2021 and, as some of the original students had left, the current group was continuing their work towards the name change to complete the mahi.
- Ms Walker noted that a big part of the naming was the education around the names. The parks were well known for younger people and families and could also be a place where they could be educated. Part of the curriculum of schools would be to tell the history, it was creating a space and helping the community to take care of the environment. Both places had wetland restoration projects and were places of knowledge about how to look after an area that was once a swamp. These areas were a breeding ground and kai cupboard for iwi, but were now depleted, with one of the reasons for depletion being city growth and development. Iwi were at the Council table to constantly remind them about the environment and were bringing the young people forward to do this.

### In response to questions to the group and staff

- There were not many pūpū left in the area, they had been depleted over time.
- There was a significant redevelopment occurring at Ila Park and interpretation panels with the history of the area were included in the design elements. Ila Park was expected to be reopened by the end of March. There was also the same intention for signage and information to be provided at Rotary Park.
- Conversations had been held with remaining Ila family members and they were in support of the redevelopment and dual naming. They had indicated that they would attend the reopening in March 2023.

### Discussion points raised

- The Rotary Club had signalled they were keen to continue with the development of the park and this would be a good programme for them to become involved in.
- The students were thanked for coming to present to the meeting. Council appreciated their input and Commissioners noted the importance of the Council and the community being able to understand the history of each of these areas.

**RESOLUTION CO1/23/3**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Proposed Dual Naming for Rotary Park and Ila Park".
- (b) Approves the name "Ōpūpū" to be added to Rotary Park as a dual name. The full reserve name will be Ōpūpū – Rotary Park.
- (c) Approves the name "Te Papa Tākaro o Tongaparaoa" to be added to Ila Park as a dual name. The full reserve name will be Te Papa Tākaro o Tongaparaoa – Ila Park.

**CARRIED**

**11.2 Destination Skatepark - Update to Project Scope and Budget**

**Staff** Barbara Dempsey, General Manager: Community Services  
Amanda Davies, Manager: Community Amenity Programme Delivery

**Key points**

- The scope of the original budget required 50% external funding to progress, 62% external funding had been secured so Option B was able to proceed.
- The updated budget for Option B required an additional \$375,000 to be funded over 2 financial years.

**In response to questions**

- Regarding being able to work within the budget available rather than seeking additional funding, it was noted that the funding was to provide a contingency for the project and to allow the park to offer a wider variety of skate experiences.
- Access across Maunganui and Hull Roads and carparking on site would be provided through the redevelopment of Blake Park and a signalised crossing would be installed.
- Staff were currently working extensively on the consenting options which would include having consents in place for future development. Some work would be able to commence to provide power, water and fencing on the site.
- Shade would be provided through the installation of shade sails and the retention of the large trees. Skaters had indicated that they would rather have the flow bowl than a covered skating area, so further shade would be considered within the future development plans.

**Discussion points raised**

- A good outcome had been achieved in terms of the level of investment from external funders, and the good active participation from users was noted and commended.
- Commissioners had been signalling the challenging LTP constraints, and it was queried whether there was enough communication and understanding within the community on the cost implications of projects and the onus of additional funding being put back onto them.

**RESOLUTION CO1/23/4**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Destination Skatepark – Update to Project Scope and Budget".

- (b) Approves the updated project scope to proceed with construction of Option B.
- (c) Approves an updated project budget for the construction of Option B of \$3,610,081, which includes 62% external funding to a value of \$2,211,217.
- (d) Approves a council contribution of \$1,398,863.76. This includes an additional Council contribution of \$375,863 for project contingency to deliver Option B.
- (e) Approves the allocation of the updated total project budget to the following financial years - \$1,083,024.36 for FY 23 and \$2,527,056.83 for FY 24

**CARRIED**

### **11.3 Submission to Sale and Supply of Alcohol (Community Participation) Amendment Bill**

**Staff** Sarah Omundsen, General Manager: Regulatory and Compliance  
Jane Barnett, Policy Analyst  
Nigel McGlone, Manager: Environmental Regulation

#### **Key points**

- Public submissions were due on the Bill by 12 February 2023. The bill was aimed at giving local communities more of a say with regards to the issuing of liquor licences.

#### **In response to questions**

- The proposed legislation removed all opportunities for appeal and provided a greater opportunity for community participation.
- Objections would be considered in light of where objectors were from e.g. from local communities and individuals or wider national interest groups.
- Current legislation had been interpreted narrowly to require that someone must have a greater interest in an application than the public to participate e.g. live within 1-2 km. If they did not live in the area they did not have a voice, the proposal made it possible for anyone that felt they were impacted by the licence to become part of the process.
- There was no change to the application notification or engagement at the beginning of the application process. This had been raised in consultation on the draft TCC Local Alcohol Policy and staff were to go above the legislative requirement to ensure early notification occurred.
- The removal of the right to a cross examination where no party could ask questions of other parties needed to be made clearer. There was still a need for some questioning and provision to do so should be included in the legislation in some format without making the parties feel uncomfortable.

#### **Discussion points raised**

- Commissioners amended the proposed resolution to allow further points to be added to the submission and to approve it retrospectively at the next meeting.
- The draft bill presented a lot of conflicting information which District Licensing Committees would need to make decisions on, and added a level which did not address the actual problem of excess alcohol usage. Any person wanting access to alcohol would find it.
- It seemed to be a large process where no one would end up satisfied - the proposal tended to make it worse and could result in an increased cost to Council.
- It was requested that these reservations be provided at the start of the submission and to ask the Select Committee whether the new measures proposed would make a difference to the problem of alcohol abuse.

**RESOLUTION CO1/23/5**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Submission to Sale and Supply of Alcohol (Community Participation) Amendment Bill".
- (b) Updates the submission to include further comments from the Commissioners prior to being submitted to the Justice Select Committee, and brings the submission back to Council at the next meeting for retrospective ratification.
- (c) Notes that a report to the Strategy, Finance and Risk Committee will recommend that decisions on the revised draft Local Alcohol Policy be delayed until after the Amendment Act comes into force.

**CARRIED**

**11.4 Bay of Plenty Mayoral Forum - Triennial Agreement 2022 - 2025**

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance  
Rob Lahey, Principal Strategic Advisor

**RESOLUTION CO1/23/6**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Bay of Plenty Mayoral Forum - Triennial Agreement 2022 - 2025".
- (b) Endorses the proposed Triennial Agreement, provided in Attachment 1.
- (c) Authorises the Commission Chair to sign the Triennial Agreement on behalf of Tauranga City Council.

**CARRIED**

**11.5 Updated Meetings Schedule 2023**

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance  
Coral Hair, Manager: Democracy & Governance Services

**Key points**

- The Tauranga Public Transport Joint Committee meetings had been included and the annual plan hearings and deliberations had been removed.

**In response to questions**

- Discussions would be held within the next week to discuss the Long-term Plan process and would be reported with a timeline to the next meeting.
- Meetings held on a Friday were generally joint committee meetings organised by BOPRC.
- BOPRC Public Transport, SmartGrowth, Metro and Upper North Island meetings were to be added.



**RESOLUTION CO1/23/7**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Updated Meetings Schedule 2023".
- (b) Adopts Attachment 1 as the meetings schedule for the period January to December 2023.

**CARRIED**

**11.6 Submission to Inquiry into 2022 Local Elections**

**Staff** Christine Jones, General Manager: Strategy & Growth  
Coral Hair, Manager: Democracy & Governance Services

**Discussion points raised**

- Commissioners amended the proposed resolution to allow further points to be added to the submission and to approve it retrospectively at the next meeting.

**RESOLUTION CO1/23/8**

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Submission to Inquiry into 2022 Local Elections".
- (b) Updates the submission to include further comments from the Commissioners prior to being submitted to the Justice Select Committee and brings the submission back to Council at the next meeting for retrospective ratification.

**CARRIED**

**11.7 Emergency Management Response - January Weather Event**

**Staff** Barbara Dempsey, General Manager: Community Services

**Key points**

- A navigator had been appointed and was wrapping around the families that had been affected by slips and flooding.
- A project team was investigating what needed to be done to clear the site and were awaiting a Geotech report.
- The ground needed to dry out prior to the work being carried out. Staff were keeping a watch on the weather which may delay the clean-up.
- The team was working closely with the insurance parties involved.
- Noted that many of the team members turned up following the event and got on with the job working long hours. Some staff on annual leave came into work to assist.

**In response to questions**

- The \$150m invested by the previous Council in stormwater projects and infrastructure changes had assisted with coping with the heavy rainfalls. An investigation would be undertaken to determine how they had coped, to understand the volumes and flows involved, and see if the

infrastructure had functioned as expected and whether there were any gaps. A report would be provided to Council when this had been completed.

- Staff were still to determine how many of the slips were on public and private land. The insurance implications would need to be considered on private land and, once known, the situation would be assessed.
- Council had a detailed and robust contract with the concert group which used the Tauranga Domain, which included penalties for damage to the park. While this may cover the financial cost, the regular sporting codes would not be able to use the fields for a while. The hirer had set up the stage and sound but could not cancel the concert until their insurance clause was activated. They then needed to remove the gear for their next gig and did so while the ground was still sodden.

**Discussion points raised**

- The Commissioners congratulated staff on doing an amazing job to make sure damage from the storm was minimised and all systems were working. They asked that their appreciation be passed on to all staff concerned.
- Credit was given to past councils for making good decisions in stormwater, drinking water and wastewater investment.

**RESOLUTION CO1/23/9**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Emergency Management Response - January Weather Event".

**CARRIED**

**12 DISCUSSION OF LATE ITEMS**

Nil

**13 PUBLIC EXCLUDED SESSION**

**Resolution to exclude the public**

**RESOLUTION CO1/23/10**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>13.1 - Public Excluded Minutes of the Council meeting held on 12 December 2022</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for

	position of the person who supplied or who is the subject of the information s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	which good reason for withholding would exist under section 6 or section 7
<b>13.2 - Update on Maungatapu matters</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

**CARRIED**

**14 CLOSING KARAKIA**

Commissioner Shad Rolleston closed the meeting with a karakia.

**The meeting closed at 11.02 am.**

**The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 27 February 2023.**

.....  
**CHAIRPERSON**